

United States Bankruptcy Court

Southern District of Georgia

NOTICE OF MOTION TO AVOID LIEN

Movant has filed papers with the court to avoid your lien in debtor's property.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you have legal grounds to oppose the avoidance of your lien, or if you wish the Court to consider your views on the motion, you must file a written request for a hearing with the Clerk of the Bankruptcy Court before the expiration of thirty (30) days from the date stated in the certificate of service.

If you mail your request for a hearing to the court, you must mail it early enough so that it will be received within the time referenced above.

Any request for a hearing must also be mailed to the moving party and all other persons indicated in the certificate of service attached to these pleadings.

If a timely request is filed, you will receive notice of the date, time and place of hearing.

If you or your attorney do not take these steps, the Court will decide that you do not oppose the relief sought in the motion and will enter an order avoiding your lien.

Date: 09/10/2013

/s/ John E. Pytte
John E. Pytte, Georgia Bar No. 590555

Lucinda B. Rauback, Clerk
United States Bankruptcy Court
Southern District of Georgia

**UNITED STATES BANKRUPTCY COURT
Southern District of Georgia**

IN RE:

Travis J. Wells

Debtor(s)

**CHAPTER 7
CASE NO. 13-41646-EJC**

MOTION TO AVOID LIEN PURSUANT TO 11 U.S.C. §522(f)(1)(A)

Now comes the above-captioned debtor and moves this court to enter an order pursuant to 11 U.S.C. § 522(f)(1)(A) avoiding the lien listed below on the following grounds:

1.

The debtors filed a petition for relief under Chapter 7 of the Bankruptcy Code on September 3, 2013.

2.

This court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 1334; 11 U.S.C. 522(f)(1)(A) and Fed. R. Bankr. P. 4003(d).

3.

The debtor owns personal property (hereinafter "Property") which has been claimed as exempt by the debtor pursuant to 11 U.S.C. § 522(b).

4.

Debtor is informed and believes that the property is encumbered by a lien held by Travis J. Wells (hereinafter "Creditor"). The amount of creditor's lien is \$4,530.00. The creditor's lien impairs an exemption to which the debtor would otherwise be entitled under 11 U.S.C. § 522(b). The creditor's lien is not of the type set for exception in 11 U.S.C. § 522(f)(1)(A)(i) or 11 U.S.C. § 522(f)(2)(C).

5.

The amount of the exemption claimed by debtor in the property is \$900.00.

WHEREFORE, the debtor respectfully requests that after such notice and hearing as this Court deems appropriate, the Court enter an Order pursuant to 11 U.S.C. § 522(f)(1)(A) avoiding the lien held by Sheffield Financial Co, and for such other relief as is just and appropriate.

Submitted the 10th day of September, 2013.

/s/ John E. Pytte
John E. Pytte
Georgia Bar No. 590555
Attorney for Debtor(s)

Post Office Box 949
Hinesville, GA 31310
(912) 369-3569

**UNITED STATES BANKRUPTCY COURT
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IN RE:

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**CHAPTER 7
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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have served the parties named below by sending a copy of NOTICE & MOTION TO AVOID LIEN to them at the address indicated with adequate postage attached to ensure delivery.

 James L. Drake, Jr., Chapter 7 Trustee, P.O. Box 9945, Savannah, GA 31412

X Benjamin R. Roach, Chapter 7 Trustee, 423 Bull Street, Savannah, GA 31401

X U.S. Trustee, Office of the Trustee, Johnson Square Business Center, 2 E. Bryan Street, Suite 725, Savannah, GA 31401

 R. Michael Souther, Chapter 7 Trustee, P.O. Box 978, Brunswick, GA 31521

X Sheffield Financial Co, Attn: Officer or Agent – Bankruptcy Dept., 2554 Lewisville Clemmons, NC 27012

This the 10th day of September, 2013.

/s/ John E. Pytte

John E. Pytte
Georgia Bar No. 590555
Attorney for Debtor(s)

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